REMARKS

As will be explained in detail, below, there are at least three significant distinctions between Malec's description and the pending claims.

First, Malec's offer is based upon the subject goods, e.g., the bread advertisement will be offered in the bread isle, the dog food clip will be displayed in the dog food section. It is in that sense that the 'location' is used by Malec. But location is a mere surrogate for the goods. Malec makes clear that ***if the goods are moved in the store, the Trigger Transmitter must also be moved.*** Thus, the bread add will be displayed whether the bread isle is isle 4 or is moved to isle 6. Malec does not teach that different offers are made when the bread is in isle 4 or is moved to isle 6. Malec's offers are invariant based on the physical position of the goods (which in Malec is where the user is located).

Second, Malec has a single "good" associated with a single "physical position". In contrast, the claims now recite the selection among multiple items at a given geographic location.

Third, the claims expressly require using the identity of the user to obtain at least a "further data element related to the user".

None of these elements are taught or suggested by Malec.

Message Storage in-Store

Product/UPC Code	Display Information
Bread X	Video 1
Dog Food Y	Display Coupon

The central studio 103 attaches additional information to ads received from remote work stations 100, 101, 110 in anticipation of sending the ad over a communications network 105 to a specific store or stores 107. **The information may**

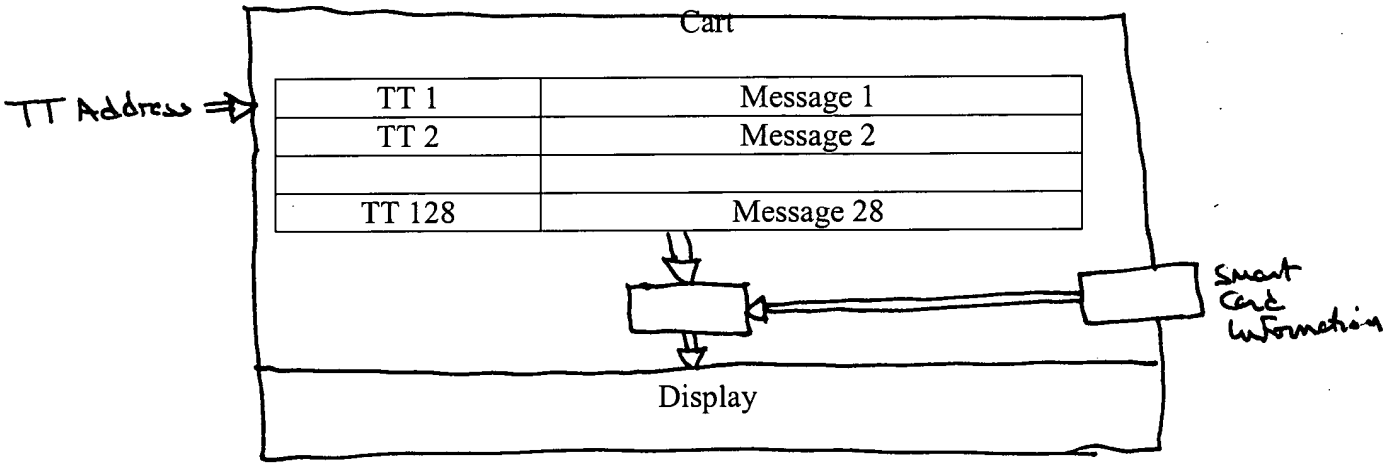
include the ad "flight" (starting date and time to stopping date and time), a list of store network addresses, whether a coupon and/or scent is to be dispensed, the Universal Product Codes (UPCs) or article numbers associated with the ad, and **a unique ad identifier**. (4:55-64)

TT to Product Correspondence

Trigger Transmitter (TT)	Shelf Content
TT 1	Bread X
TT 128	Dog Food Y

A message that is to be displayed on the SCD electronics 514 is merged with data from the local data base present in the ISC 502. This data base contains shelf location information in respect to respective trigger transmitters (TT) 512. This data base is kept current by store personnel. Universal Product Codes (UPCs) or article numbers associated with the message may be checked via the well known in-store scanning system 510 over a communications link 509 to ensure that the advertised products are present in the store. (7:52-61)

Message Storage in Cart



At a particular store 107, **the messages are forwarded to SCD electronics 514 (FIG. 4) mounted on product-carrying devices, such as shopping carts 500** and hand-held shopping baskets. (5:7-10)

All data required for SCD system operation is sent storewide by the ISC 502 to the SCD electronics 514 present on each of the carts 500 by a Store Message Transceiver (SMT) 503. (8:28-31)

TT Sending Unique Address

A large number of Trigger Transmitters (TT) 512 are located throughout the store in various categories and departments. They may be mounted on or under the shelves or on the floor. In aisles where shelves are not present (e.g., soda pop, meat, frozen foods) TT's 512 can be hung from the ceiling or otherwise located in the vicinity of the product. TT's transmit at a very short (approximately 1%) duty cycle to conserve their battery power. **Each TT 512 in a given store 107 has a unique address which it transmits as part of its trigger message. (8:41-51)**

FIG. 6 is a block diagram of the Trigger Transmitter (TT) 512. **A Transmission Controller 800 contains in memory a unique TT address**, and a power sequencer. A data modulator and transmitter 801 generates a modulated signal that is coupled to a radiator 802 that transmits the signal over a transmission link 513. The unique address is placed in memory in any convenient manner, as upon manufacture of the TT 512. **It is this address that identifies the particular TT 512 and is the information that is transmitted by the data modulator and transmitter 801 to identify the TT to the SCD 514 and thereby locate the cart 500 in the store 107. (11:24-35)**

FIGS. 14A and 14B show an exemplary trigger transmission format 1800 for a message from a Trigger Transmitter (TT) 512. Most of the time the transmitter 512 is powered down to conserve battery energy. The transmission controller 800 is always powered up and running. As shown in FIG. 14A, after the predetermined off time, for example, 5 seconds, the transmission controller 800 powers up the data modulator and transmitter 801. When the transmitter circuitry is thus powered-up at the end of the power-off timer cycle 1601, the data modulator and transmitter 801 begins transmitting carrier with no modulation during the idle condition 1802. This idle time allows the transmitter circuits and the receiver circuits on the shopping cart 500 to stabilize. Next the trigger block 1803 is transmitted 4 times, followed by a postamble (i.e., idle) 1810.

As shown in FIG. 14B, **each trigger block 1803 includes** a preamble 1804 followed by a flag character 1805, a length character 1806, a block type character 1807, **a combined transmitter address** and battery status character 1808, and finally a Cyclic Redundancy Check (CRC) 1809 which is two characters long. (13:44-65)

The next character 1808 is made up of two data fields. The most significant bit is the battery status as received from the battery state detector circuitry 1507. **The low order 7 binary bits are the transmitter address as read from the 7 position DIP switch 1508; this identifies the particular Trigger Transmitter 512 and is sent to the carts 500 in the store 107**. The trigger transmitter address can be any convenient length as necessary to accommodate the numbers assigned to the respective transmitters. (14:26-35)

TT Address to Display Mapping

The SCD electronics 514 keeps the messages in memory. When a cart 500 is in the proximity of a trigger transmitter 512, an appropriate message 108 is displayed to the consumer 109, either immediately, or after a time delay. The message 108 is determined by the composition of the trigger signal from a trigger transmitter 512 and previously encountered trigger signals from other trigger transmitters 512. The trigger transmitters 512 thus act as sign posts as the customer moves the cart 500 about the store. (5:12-22)

A message that is to be displayed on the SCD electronics 514 is merged with data from the local data base present in the ISC 502. This data base contains shelf location information in respect to respective trigger transmitters (TT) 512. This data base is kept current by store personnel. Universal Product Codes (UPCs) or article numbers associated with the message may be checked via the well known in-store scanning system 510 over a communications link 509 to ensure that the advertised products are present in the store.

Locally generated messages may be created by a local message creation work station 506 (optional) and transferred to the ISC 502 via a communications link 507. (8:52-65)

TT Must Move if Product is Relocated

The Trigger Transmitters (TT) 512 may be easily attached and removed from the shelves. This facilitates easy TT exchange, relocation and battery replacement by store personnel. **When items on the shelves are relocated, the TT's must be relocated also**. Store personnel must keep the TT location data base resident in

memory in the ISC 502 up to date. (9:28-34)

The term "geographic position" has been replaced with "geographic descriptor" to more closely conform to the specification as originally filed. For example, the term "geographic descriptor" is used at column 21, line 49 of the parent U.S. Patent No. 6,055,513.

Accordingly, there are at least three major points of distinction, now claimed, that are not fairly taught or suggested by Malec. First, that the true geographic position of the user is an input for the selection of the item. Second, Malec has a single "good" associated with a single "physical position". In contrast, the claims now recite the selection among multiple items at a given geographic location. Third, the claims expressly require using the identity of the user to obtain at least a "further data element related to the user".

Accordingly, Applicant requests that the claims as now pending be allowed.

Respectfully submitted,

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